IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.6725 OF 2004

Shamshuddin Manubhai Tamboli
& Anr. ...Petitioners

Versus

Shri.Zakir Maganbhai Tamboli & Ors. ...Respondents

.....

Mr.R.V.More for Petitioners.

Mr.Vikas M.Mali for Respondents 1 & 2.

.....

CORAM: A.M.KHANWILKAR, J.

AUGUST 26, 2004.

P.C.

1. Heard Counsel appearing for the parties.

2. Rule. Rule made returnable forthwith, by consent. Mr.Mali waives notice for Respondents 1 and 2.

3. It is submitted by the Counsel appearing for the parties that other Respondents are not

necessary parties, for the nature of order that is proposed to be passed in this Writ Petition. Hence, notice to remaining Respondents is dispensed with.

4. As short question is involved, the matter is heard for final disposal forthwith, by consent.

5. By consent, this Petition succeeds on the following terms :

(a) The impugned order is set-aside and instead, the application Exhibit 6 in Miscellaneous Civil Appeal No.183 of 2003 is allowed by directing the parties to maintain status-quo as obtained in terms of order passed by the Trial Court dated 13th September 2002. That arrangement be continued till the disposal of the suit pending before the Trial Court being Regular Civil Suit No.83 of 2002.

(b) Counsel for the Petitioner assures that the Petitioners will withdraw the appeal pending before the District Court if the aforesaid arrangement is allowed to operate during the

pendency of the suit. That assurance is accepted.

(c) Counsel for the parties request that the Trial Court be directed to expedite the hearing of the Suit. Said application be made before the Trial Court which in turn will pass necessary orders to treat the Suit as expedited case as it appears that the parties to the Suit are senior citizens.

. Petition disposed of on the above terms. No order as to costs.

A.M.KHANWILKAR, J.